

Mark Punzalan (State Bar No. 247599)
mpunzalan@finkelsteinthompson.com

FINKELSTEIN THOMPSON LLP

100 Bush Street, Suite 1450
San Francisco, California 94104
Telephone: (415) 398-8700
Facsimile: (415) 398-8704

[Additional Counsel Listed on Signature Page]

[Proposed] Lead Counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

PETER RUDOLPH, individually and on behalf of all others similarly situated.) Case No. 3:07-CV-04578-SI

Plaintiff,) [PROPOSED] ORDER APPOINTING
) JAMES R. BARTHOLOMEW AS LEAD
) PLAINTIFF AND FINKELSTEIN
) THOMPSON LLP AS LEAD COUNSEL

JARCOM, HONG LIANG LU,
AEL SOPHIE, THOMAS TOY, and
CIS BARTON.

Defendants.

Having considered the motion of James R. Bartholomew (“Movant”) for appointment as lead plaintiff and for approval of selection of Finkelstein Thompson LLP as Lead Counsel, the Memorandum of Points and Authorities and Declaration of Mark Punzalan in support thereof, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. The motion is granted.

1 2. This order (the "Order") shall apply to the Action and to each case that relates to
2 the same subject matter that is subsequently filed in this Court or is transferred to this Court and is
3 consolidated with the Action. A party that objects to such consolidation, or to any other provision
4 of this order, must file an application for relief from this order within 14 days after the date on
5 which a copy of the order is mailed to the party's counsel pursuant to ¶ 5, *infra*.

6 3. The parties shall file a Notice of Related Cases pursuant to Civil L.R. 3-12
7 whenever a case that should be consolidated into this action is filed in, or transferred to, this
8 District. If the Court determines that the case is related, the clerk shall:

- 9 (a) place a copy of this order in the separate file for such action;
10 (b) serve of plaintiff's counsel in the new case a copy of this order;
11 (c) direct that this order be served upon defendants in the new case; and
12 (d) make the appropriate entry in the *Rudolph* action Docket.

14 4. Class member James R. Bartholomew is appointed to serve as Lead Plaintiff in the
15 above-captioned action pursuant to 15 U.S.C. §78u-4(a)(3)(B).

16 5. Finkelstein Thompson LLP is hereby approved as Lead Counsel for the Class.
17 Lead Counsel shall have the authority to speak for all plaintiffs and class members in all matters
18 regarding the litigation including, but not limited to, pre-trial proceedings, motion practice, trial
19 and settlement, and shall make all work assignments in such a manner as to facilitate the orderly
20 and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.

21 Additionally, lead counsel shall have the following responsibilities:

- 22 a. to brief and argue motions;
23 b. to initiate and conduct discovery, including, without limitation, coordination
24 of discovery with defendants' counsel, the preparation of written interrogatories, requests for
25 admissions, and requests for production of documents;
26 c. to direct and coordinate the examination of witnesses in depositions;
27 d. to act as spokesperson at pretrial conferences;

e. to call and chair meetings of plaintiffs' counsel as appropriate or necessary from time to time;

5 g. to provide general coordination of the activities of plaintiffs' counsel and to
6 delegate work responsibilities to selected counsel as may be required in such a manner as to lead
7 to the orderly and efficient prosecution of this litigation and to avoid duplication or unproductive
8 effort;

h. to consult with and employ experts;

10 i. to receive and review periodic time reports of all attorneys on behalf of
11 plaintiffs, to determine if the time is being spent appropriately and for the benefit of plaintiffs, and
12 to determine and distribute plaintiffs' attorneys' fees; and

13 j. to perform such other duties as may be expressly authorized by further
14 order of this Court.

IT IS SO ORDERED.

DATED:

U.S. District Judge Susan Illston